

DOCKET NO.: 216172US0REISSUE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: : GROUP ART UNIT:

Myriam MELLUL et al. :

SERIAL NO.: New Reissue Application : EXAMINER:

ORIGINAL PATENT NO.: 5,985,297

FILED: Herewith :

ISSUE DATE: November 16, 1999

FOR: ANHYDROUS AND WATER-RESISTANT:  
COSMETIC COMPOSITIONS

PRELIMINARY AMENDMENT

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

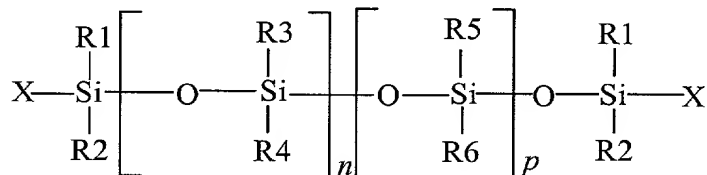
SIR:

Prior to examination on the merits, please enter the following amendment:

IN THE CLAIMS

Please add new claims 18-56 as follows:

--18. A cosmetic composition comprising from 2% to 50% of at least one silicone gum, from 10% to 90% of at least one volatile oil, from 0.5% to 15% of at least one pigment, and from 0 to 30% of at least one filler, wherein said at least one silicone gum is of the formula:



in which

R1, R2, R5 and R6 each independently represents an alkyl radical having from 1 to 6 carbon atoms;

R3 and R4 each independently represents an alkyl radical having from 1 to 6 carbon atoms or an aryl radical;

X represents an alkyl radical having from 1 to 6 carbon atoms, a hydroxyl radical or a vinyl radical; and

n and p are selected so as to give said silicone gum a viscosity of greater than 100,000 mPa.s, and

wherein said composition is anhydrous and water-resistant, and further wherein said composition has cosmetic properties.

19. A composition according to claim 18, wherein said at least one silicone gum is present in an amount which ranges from 4% to 15% by weight relative to the total weight of said composition.

20. A composition according to claim 19, wherein said at least one silicone gum is present in an amount which ranges from 6% to 9% by weight relative to the total weight of said composition.

21. A composition according to claim 18, wherein n and p have values ranging from 0 to 5000.

22. A composition according to claim 21, wherein n and p have values ranging from

0 to 3000.

23. A composition according to claim 18, wherein said at least one silicone gum is a gum wherein (a) R1 to R6 and X are methyl, and  $p=0$ , or (b) R1 to R6 and X are methyl, and  $n=0$ .

24. A composition according to claim 18, wherein said volatile oil is present in an amount of 30% to 70%.

25. A composition according to claim 18, wherein said volatile oil is a cyclomethicone.

26. A composition according to claim 18, wherein said at least one pigment is present in an amount of 2 to 8% by weight relative to the total weight of the composition.

27. A composition according to claim 18, wherein said at least one pigment is non-coated.

28. A composition according to claim 18, wherein said at least one pigment is titanium dioxide, zinc oxide, zirconium dioxide, black, yellow, red or brown iron oxide, cerium dioxide, an organic pigment or a mixture thereof.

29. A composition according to claim 28, wherein said organic pigment is barium, strontium, calcium or aluminum lakes.

30. A composition according to claim 18, which is in the form of a make-up product or a hair product.

31. A composition according to claim 30, wherein said make-up product is a lipstick, a blusher, an eyeshadow or a foundation and said hair product is a styling make-up gel.

32. A composition according to claim 18 for application to the lips.

33. A composition according to claim 18, comprising a silicone-containing resin.

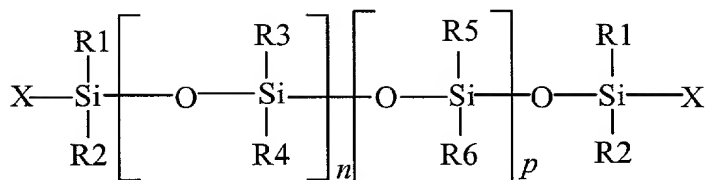
34. A composition according to claim 18, wherein said at least one filler is mica.

35. A composition according to claim 18, which further comprises at least one gelling agent, vitamin, or sun-screen material, or a plant oil, a synthetic ester, lecithin, a fragrance, or an essential oil.

36. A composition according to claim 18, comprising a gelling agent.

37. A composition according to claim 18, comprising a modified clay.

38. A cosmetic composition comprising from 2% to 50% of at least one silicone gum, from 10% to 90% of at least one volatile component, from 0.5% to 15% of at least one pigment, and from 0 to 30% of at least one silicone-containing resin, wherein said at least one silicone gum is of the formula:



in which

R1, R2, R5 and R6 each independently represents an alkyl radical having from 1 to 6 carbon atoms;

R3 and R4 each independently represents an alkyl radical having from 1 to 6 carbon atoms or an aryl radical;

X represents an alkyl radical having from 1 to 6 carbon atoms, a hydroxyl radical or a vinyl radical; and

n and p are selected so as to give said silicone gum a viscosity of greater than 100,000 mPa.s, and

wherein said composition is anhydrous and water-resistant, and further wherein said composition has cosmetic properties.

39. A composition according to claim 38, wherein said at least one silicone gum is present in an amount which ranges from 4% to 15% by weight relative to the total weight of said composition.

40. A composition according to claim 39, wherein said at least one silicone gum is present in an amount which ranges from 6% to 9% by weight relative to the total weight of

said composition.

41. A composition according to claim 38, wherein n and p have values ranging from 0 to 5000.

42. A composition according to claim 41, wherein n and p have values ranging from 0 to 3000.

43. A composition according to claim 38, wherein said at least one silicone gum is a gum wherein (a) R1 to R6 and X are methyl, and p=0, or (b) R1 to R6 and X are methyl, and n=0.

44. A composition according to claim 38, wherein said volatile component is present in an amount of 30% to 70%.

45. A composition according to claim 38, wherein said volatile component is a cyclomethicone.

46. A composition according to claim 38, wherein said at least one pigment is present in an amount of 2 to 8% by weight relative to the total weight of the composition.

47. A composition according to claim 38, wherein said at least one pigment is non-coated.

48. A composition according to claim 38, wherein said at least one pigment is titanium dioxide, zinc oxide, zirconium dioxide, black, yellow, red or brown iron oxide, cerium dioxide, an organic pigment or a mixture thereof.

49. A composition according to claim 48, wherein said organic pigment is barium, strontium, calcium or aluminum lakes.

50. A composition according to claim 38, which is in the form of a make-up product or a hair product.

51. A composition according to claim 50, wherein said make-up product is a lipstick, a blusher, an eyeshadow or a foundation and said hair product is a styling make-up gel.

52. A composition according to claim 38 for application to the lips.

53. A composition according to claim 38, wherein said at least one filler is mica.

54. A composition according to claim 38, which further comprises at least one gelling agent, vitamin, or sun-screen material, or a plant oil, a synthetic ester, lecithin, a fragrance, or an essential oil.

55. A composition according to claim 38, comprising a gelling agent.

56. A composition according to claim 38, comprising a modified agent.--

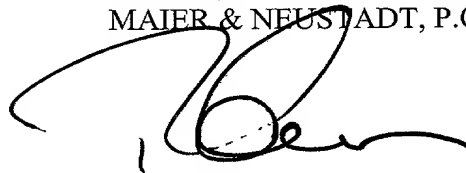
STATUS OF CLAIMS AND SUPPORT FOR AMENDMENTS

Original claims 1-17 are pending, as are newly added claims 18-56. Newly added claims 18-56 are supported by the specification and Examples of U.S. 5,985,297. See for example, column 1, lines 58-62, column 2, lines 17-38 and 67, and column 4, lines 12-13.

Applicants submit that this case is in condition for examination on the merits, and early notification to this effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAJER & NEUSTADT, P.C.



Richard L. Treanor  
Attorney of Record  
Registration No.: 36,379



**22850**

Telephone: (703) 413-3000  
Facsimile (703) 413-2220



MARKED-UP COPY OF NEW CLAIMS  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Claims 18-56 (New)